

**REMARKS**

Claim 1 is amended to incorporate the subject matter of dependent claim 2, now canceled. Claim 11 is amended to depend on claim 1 and to incorporate the subject matter of dependent claim 12, now canceled. Claim 17 is amended to depend on claim 1. Claim 25 is amended to depend on claim 11.

Entry and consideration of this Amendment are respectfully requested.

In response to the Restriction Requirement, dated October 28, 2005, Applicants respectfully traverse for the reasons given below. However, Applicants provisionally elect Group I, claims 1-10 for examination and also elect each Species I from Species Group I-III. Applicants reserve the right to file a Divisional Application directed to non-elected claims.

Applicants' file a Preliminary Amendment in this National Stage PCT application in order to facilitate the conclusion that the amended claims of Groups I, II, III and IV of the restriction requirement should be examined together, because the application relates to one invention only, or to a group of inventions so linked as to form a single general inventive concept (see MPEP §1850). Thus, the present restriction requirement should be withdrawn.

As previously noted, claims 1 and 11 are amended to incorporate the subject matter of dependent claims 2 and 12, respectively. Method claim 11 is also amended to depend on product claim 1. Claim 17 is amended to depend upon claim 1. Also, claim 25 is amended to depend on claim 11.

Applicants point out that in accordance with MPEP §1850.III.A.(B), PCT Rule 13 permits the inclusion of certain combinations of claims of different categories in the same

RESPONSE TO RESTRICTION REQUIREMENT  
AND PRELIMINARY AMENDMENT  
U.S. Appln. No.: 10/509,596

Atty. Docket No.: Q83591

international application, such as “an independent claim for a given process” along with “an independent claim for an apparatus or means specifically designed for carrying out the said process”. Thus, at least Groups I and II, which are directed to an identifying marker and an identifying method for an identifying marker, respectively, satisfy the concept of unity of invention for a process/method and an apparatus designed for carrying out the process.

In paragraph 8 at page 5 of the Office Action, it was asserted that

"The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Any international application must relate to one invention only or to a group of invention so linked as to form a single general inventive concept (see MPEP 1850). As demonstrated by the ‘X’ references on the International Search Report, at least one independent claim of the application does not avoid the prior art, therefore, the special technical feature of the application is anticipated by or obvious in view of the prior art. Consequently, the inventions listed as Group I -IV do not relate to a single general inventive concept under PCT Rule 13.1"

Applicants provide comments over JP 11-107109 (hereinafter “JP ‘109) below as JP ‘109 was cited in the International Search Report (ISR) as of particular relevance against at least claims 1, 11 and 17.

Applicants submit that JP ‘109 does not disclose the special technical features of the present invention in amended claims 1 and 11 because JP ‘109 only concentrates on getting an interacting light between laminating layers including an alternate laminated body. The interacting light between laminating layers is only observed from a top direction (nz direction which is perpendicular to the plane of the laminating layer) as described in Fig.3 of the present

RESPONSE TO RESTRICTION REQUIREMENT  
AND PRELIMINARY AMENDMENT  
U.S. Appln. No.: 10/509,596

Atty. Docket No.: Q83591

specification.

On the contrary, the present invention as set forth in amended claims 1 and 11 utilizes "a light having different refractive indexes of an interference fiber in an alternating fashion", because "the light having different refractive indexes in an alternating fashion" is only able to be observed from the side direction ( $nx$  direction) as illustrated by Fig.3 and described in the present specification. Apparently, the observed light of JP '109 never has "color difference anisotropy and different polarity light" of the present invention, as described in amended claims 1 and 11. The "color difference anisotropy and different polarity light" of the present invention is only observed from the side direction ( $nx$  direction) of the alternate laminated body, which JP '109 never utilizes.

As explained above, the amended claims 1 and 11 have special technical features in spite of the disclosure of JP '109. Further, claims 3-10 and 17-24 eventually depend upon claim 1, and claims 13-16 and 25-28 eventually depend upon claim 11, so that all of claims 1, 3-11, and 13-28 come to have the special technical features. Thus, the pending claims of each of Groups I, II, III, and IV relate to a single general inventive concept under PCT Rule 13.1 and PCT rule 13.2.

Regarding EP 1006221, which was cited in the International Search Report, Applicants submit that EP 1006221 also fails to disclose or teach the new technical features set forth in amended claims 1 and 11 of the present invention.

Thus, JP '109 as well as EP 1006221 fail to disclose the special technical features described in amended claims 1 and 11 of the present invention, because JP '109 as well as EP

RESPONSE TO RESTRICTION REQUIREMENT  
AND PRELIMINARY AMENDMENT  
U.S. Appln. No.: 10/509,596

Atty. Docket No.: Q83591

1006221 only concentrates on getting an interacting light between laminating layers including an alternate laminated body. The interacting light between laminating layers is only observed from a top direction (nz direction which is perpendicular to the plane of the laminating layer) as described in Fig.3 of the present specification.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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